

REMARKS

In the outstanding Office action dated October 28, 2003, claims 1-3, 5-9, 12-15, 17, 18, 20 and 22 were rejected under 35 U.S.C. § 102(e) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over Chuter (U.S. 6,454,795). Additionally, claims 10, 19 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Chuter reference. Claims 4, 11, 16, 18, 19, 21 and 24-35 were withdrawn from consideration.

In a paper filed on August 12, 2003, independent claim 1 was amended to recite a medical apparatus having connection points between adjacent longitudinal members, the connection points lacking bulk and stress concentrations associated with conventional joining techniques. Independent claims 12 and 17 were amended to recite a single piece endoprosthesis having connection points lacking bulk and stress concentrations associated with conventional joining techniques. However, in rejecting the claims, the Examiner stated that it would have been obvious to one of ordinary skill in the art at the time the invention was made to use spot welding or adhesive film gluing to adjoin two adjacent longitudinal members at connection points because spot welding or adhesive film gluing is a well known conventional joining technique for joining two objects together. Further, the Examiner stated that the conventional joining technique such as a spot welding technique or an adhesive film technique, does not cause bulk and stress concentration at the connection points as suggested by the Applicant.

Significantly, the Examiner has characterized spot welding and adhesive film gluing as conventional joining techniques whereas the claims seek to recite subject matter which distinguish the claims from conventional joining techniques. Accordingly, it cannot be seen how conventional joining techniques can be employed to reject the claims in the first instance. Moreover, spot welding involves causing distortions in two materials being welding together and as such, results in adding bulk. Stress concentrations are also believed to be a result of spot

welding as the distortions in the material caused thereby necessarily changes the composition of the materials being joined. Additionally, adhesive film gluing clearly does indeed involve adding material to elements being joined that would not otherwise exist. That is, the adhesive film itself adds bulk to the connection points.

The recited Chuter reference does not teach that spot welding or adhesive film gluing are not associated with adding bulk and producing a stress concentration. Since the cited art lacks the teaching of the limitations recited in the claims, it appears that the rejection of the claims are based upon facts within the personal knowledge of the Examiner. In accordance with MPEP § 2144.03 and 37 CFR 1.104(d)(2), the data supporting that knowledge should be stated as specifically as possible and the facts relied upon must be supported. Thus, in the event personal knowledge is being relied upon by the Examiner to reject the claims and more specifically that spot welding and adhesive film gluing do not add bulk or produce stress concentrations, the Applicant hereby requests an Affidavit from the Examiner regarding such personal knowledge.

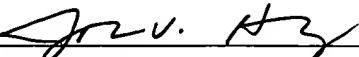
In view of the foregoing, it is respectfully submitted that each of the pending independent claims recite subject matter not taught by the Chuter reference. Therefore, it is believed that each of the examined claims are allowable over the cited art.

CONCLUSION

Applicants have attempted to completely respond to the rejections set forth in the outstanding Office action. In view of the above amendments and remarks, Applicant respectfully request that the application be reconsidered, the claims allowed and the application passed to issue.

Respectfully submitted,

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